



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Aztek
File: B-229788
Date: December 30, 1987

DIGEST

Protest filed more than 10 days after the protester was orally informed of the basis of protest is untimely and protester may not delay filing its protest until receipt of written notification of the protest basis which merely reiterates the basis of the protest originally orally learned.

DECISION

Aztek protests the rejection of its proposal under request for proposals (RFP) No. N60921-87-RA466, issued by the Naval Surface Warfare Center (NSWC).

The protest is dismissed. 4 C.F.R. § 21.3(f) (1987).

Aztek states that on November 16, 1987, it was advised by NSWC that not enough information had been submitted in its proposal on the Epson matrix printer and the color thermal printer which Aztek had offered. Aztek says that it mailed the necessary information to NSWC on November 18. Aztek also states that its word processor had inadvertently skipped pages when printing, omitting the required information. On November 30, Aztek received a letter which stated that Aztek's proposal was rejected.

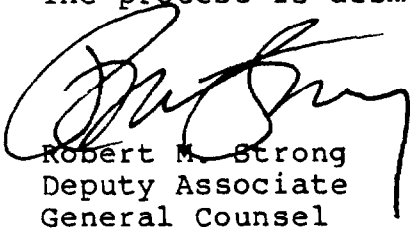
Aztek argues that the omissions in its proposal were due to clerical errors, which were corrected by its November 18 submission. It also contends that its failure to submit information on the omitted items was not a major deficiency.

NSWC has informed us that it advised Aztek on November 16 that its proposal was technically unacceptable because Aztek had not submitted adequate information to permit evaluation of the dot matrix and color thermal printers. Our Bid

040964

Protest Regulations provide that protests shall be filed not later than 10 days after the basis of protest is known, or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1987). We note that oral notification of the basis for a protest starts the 10-day period running and a protester may not delay filing its protest until receipt of written notification of the protest basis which merely reiterates the basis of the protest originally orally learned. Jay-Em Corp., B-226386, Mar. 16, 1987, 87-1 C.P.D. ¶ 291. On November 16, Aztek knew the basis of its protest but did not file its protest until December 11, more than 10 days later. Therefore, the protest was not timely filed.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel